

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2005:

<u>Present</u>	<u>Vote</u>
James S. Burgett, Chairman	
Walter C. Zaremba, Vice-Chairman	
Sheila S. Noll	
Kenneth L. Bowman	
Thomas G. Shepperd, Jr.	

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-96-05 TO AMEND CHAPTER 24.1, ZONING, YORK COUNTY CODE, TO ALLOW CERTAIN CONCESSIONS FOR THE WIDTH OF FRONT LANDSCAPE YARDS AND SIGN PLACEMENT FOR PROPERTIES THAT ABUT UNUSUALLY WIDE EXPANSES OF UNUSED HIGHWAY RIGHT-OF-WAY

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-96-05 after determining that the normally applicable front landscape yard and sign placement standards may create hardships for businesses located along Primary highways having unusually wide expanses of unused right-of-way between the travel lane and the front property line of such parcels; and

WHEREAS, the Board wishes to consider establishing opportunities for relief from the normally applicable standards in cases where such highways are not programmed or planned for widening; and

WHEREAS, said application has been referred to the York County Planning Commission for review and consideration in accordance with applicable procedures for zoning ordinance text and map amendments; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and conducted subsequent deliberations and discussions on the proposed amendments and has recommended approval; and

WHEREAS, the Board has conducted a duly advertised public hearing and has carefully considered the Planning Commission recommendation and public input concerning this application.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the ____ day of ____, 2005 that it does hereby approve Application No. ZT-96-05 to amend Chapter 24.1, Zoning, of the York County Code to read as follows:

Add new Section 24.1-223.1, as follows:

24.1-223.1 Special requirements adjacent to unused rights-of-way

In the case of a parcel abutting a primary system highway that is not a limited access roadway or a frontage road associated with a limited access roadway and that is not planned for widening in the current Virginia Department of Transportation Six-Year Plan or in the current Regional Transportation Plan or the York County Comprehensive Plan, if the front property line of said parcel is 50 feet or more from the edge of the existing pavement the 20-foot front landscaped yard required by section 24.1-244 may be reduced to five feet, provided that the Virginia Department of Transportation will allow the landscape planting requirements specified by section 24.1-242 to be met by plantings which shall be installed by the property owner within that 5-foot area and the 15 feet of right of way closest to the front property line, and the 10-foot setback for signs required by section 24.1-702 may be waived and the sign may be located in the area between the normal setback line and the front property line or, in the event the Virginia Department of Transportation authorizes such placement through a land lease or permit arrangement, may be located within 10 feet of the front property line of the parcel and within the VDOT right-of-way. Should such lease/permit be terminated by VDOT, or should the subject 10-foot area be needed for a public utility project, the property owner shall be responsible for relocating the sign to comply with all applicable sign setback standards then in effect.